

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC., and)	
ROSE ACRE FARMS, INC.)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION TO FILE UNDER SEAL

Plaintiffs respectfully move the Court for leave to file Exhibit A attached to *Plaintiffs' Renewed Motion To Preclude Post-2008 Evidence In The Liability Phase* (the "Motion") under seal, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs have today filed their Motion. The Motion attaches as Exhibit A, which the producing parties have designated as confidential or highly confidential. Accordingly, under the Protective Order in this Case, Case Management Order No. 10 (Protective Order), and pursuant to Local Rule 26.2(c), Plaintiffs have provisionally filed Exhibit A to the Motion under seal.

2. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if "there is good cause for sealing a part or the whole of the record." *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying "good cause" standard). Accordingly, the Court may seal filings if there are "legitimate concerns of confidentiality," *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*,

24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

3. Here, the producing parties have designated information contained in Exhibit A to the Motion as confidential or highly confidential. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. This presents a legitimate concern of confidentiality and gives good cause to file portions of the Motion and Exhibit A under seal.

[Remainder of page intentionally left blank.]

WHEREFORE, Plaintiffs respectfully request the Court enter an order granting it leave to file Exhibit A to Plaintiffs' Motion under seal.

October 2, 2023

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global, Inc.,
General Mills, Inc., Nestlé USA, Inc. and The
Kellogg Company***

/s/ Brandon D. Fox

James T. Malysiak
Joel T. Pelz
Angela M. Allen
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
Tel: (312) 222-9350
Fax: (312) 527-0484
jmalysiak@jenner.com
jpelz@jenner.com
aallen@jenner.com

Brandon D. Fox
Amy M. Gallegos (*admitted pro hac vice*)
JENNER & BLOCK LLP
515 S. Flower St.,
Suite 3300
Los Angeles, CA 90071
Tel: (213) 239-5100
Fax: (213) 239-5199
bfox@jenner.com
agallegos@jenner.com